

1477 dd 15

Anno Regni

GEORGI II.

REGIS

Magnæ Britannia, Francia, & Hibernia,
VICESIMO.

At the Parliament begun and holden at
Westminster, the First Day of *Decem-*
ber, Anno Dom. 1741, in the Fifteenth
Year of the Reign of our Sovereign
Lord GEORGE the Second, by the
Grace of GOD, of Great Britain,
France, and Ireland, King, Defender
of the Faith, &c.

And from thence continued by several Prorogations, to the
Eighteenth Day of November 1746, being the Sixth
Session of this present Parliament.



EDINBURG

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Anno vicefimo

GEORGI II. Regis.

An Act to prevent the Return of fuch Rebels and Traitors concerned in the late Rebellion, as have been, or fhall be pardoned on Condition of Transportation ; and alfo to hinder their going into the Enemies Country.

WHEREAS during the Time of Preamble.
the late wicked and unnatural Rebellion, and fince, a great Number of Perfons who had taken up Arms, or were otherwife engaged in the faid Rebellion, were by His Majefty's great Vigilance and Care apprehended, feveral of whom have been tried and convicted of the faid Treafon, and many confcious of their Guilt, have by their Petition, implored His Majefty's Mercy, upon Condition of their being transported to fome of the *British* Colonies and Plantations in *America* : And whereas His Majefty out of His great Clemency hath been moft graciously pleafed to grant His Royal Pardon to feveral of them, as well thofe who were fo tried and convicted, as thofe who by their Petitions have acknowledged their Guilt,

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and implored His Majesty's Mercy as aforesaid, and others may hereafter be pardoned on the like Application and Condition: And whereas it is thought expedient for the Publick Safety, that all proper Means should be taken to prevent their returning from the said Colonies or Plantations, or going to His Majesty's Enemies; be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person or Persons to whom His Majesty has, or shall hereafter grant His most gracious Pardon for the said Treasons, or any of them, on Condition of their being transported to some of the *British* Colonies or Plantations in *America*, shall, without the Licence of His Majesty, His Heirs, or Successors, under His or their Privy Seal or Sign Manual for that Purpose, or some other lawful Cause, return, or come into, or be at large, in any Part of *Great Britain* or *Ireland*, or voluntarily go into, or continue in any Part of the Dominions of the *French* King, or the King of *Spain*, in *Europe*, *America*, or elsewhere, he, she, or they so returning, or coming into, or being in any Part of *Great Britain* or *Ireland*, as aforesaid, or who shall voluntarily go into, or continue in any Part of the Dominions of the *French* King, or King of *Spain*, shall not only have no Benefit of such Pardon, but shall be guilty of Felony, and shall suffer Death, and forfeit

Rebels returning from
Transportation, without
Licence,

or voluntarily
going into
France or
Spain,

to suffer Death
without Benefit
of Clergy.

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feit as in Cases of Felony, without Benefit
of Clergy.

And be it further enacted by the Authority
aforesaid, That in Case any Person or
Persons whatsoever, shall knowingly aid or
assist any such Person or Persons so pardoned,
or to be pardoned, on Condition of Trans-
portation, as aforesaid, in his, her, or their
unlawful returning, or coming into, or be-
coming or being at large in *Great Britain* or
Ireland, or in going into, or continuing in a-
ny of the Dominions of the *French King*, or
the King of *Spain*, without such Licence,
or other lawful Cause, such Person or Per-
sons so offending shall be guilty of Felony,
and suffer Death, and forfeit as in Cases of
Felony, without Benefit of Clergy.

Aiders of Per-
sons returning
from Trans-
portation, &c.
without Li-
cence,

to suffer Death,
&c.

And in case any Person or Persons so par-
doned, or to be pardoned, as aforesaid, shall
unlawfully go into, or continue in any of the
Dominions of the *French King*, or the King
of *Spain*, be it further enacted by the Au-
thority aforesaid, That in such case, if any
of the Subjects of His Majesty, His Heirs, or
Successors (except such Person or Persons as
shall be licensed for that Purpose by His Ma-
jesty, His Heirs, or Successors, under His or
Their Sign Manual or Privy Seal) shall with-
in this Realm, or without, knowingly hold,
entertain, or keep any Intelligence or Corre-
spondence in Person, or by Letters, Messa-
ges, or otherwise, with any of the said Per-
sons who shall have so gone into, or continu-
ed in any of the Dominions of the *French*
King

Subjects of
His Majesty
holding Cor-
respondence
with Rebels,
unlawfully go-
ing into *France*
or *Spain*,

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or with Per-
sons employed
by them,

to suffer Death,
&c.

King, or the King of *Spain*, or with any Person or Persons employed by him, her, or them, knowing such Person or Persons to be so employed, such Person so offending, being thereof lawfully convicted, shall be adjudged guilty of Felony, and shall suffer Death, and forfeit as in Cases of Felony, without Benefit of Clergy.

Offences made
Felony by this
Act where
to be tried.

And be it further enacted by the Authority aforesaid, That all Offences made Felony by this Act, shall and may be inquired of, examined, tried, and determined in the Court of King's Bench, in that Part of *Great Britain* called *England*, or in the High Court of Justiciary in that Part of *Great Britain* called *Scotland* respectively, or in any County of this Realm, in such Manner and Form, as if the Fact had been therein committed, or within any of the *British* Colonies or Plantations in *America*, within which any such Offence shall be committed, or in any County of *Ireland*, in case any such Offence shall be committed within that Kingdom.

Commander of
the Ship to de-
liver within a
Week a List of
the Persons
transported,
to the Naval
Officer of the
Port where
they are

And in order that all Persons in the Colonies or Plantations, to which the said Offenders shall be transported, may have Notice of the Persons who are or shall be so pardoned and transported, be it further enacted by the Authority aforesaid, That within the Space of One Week after any of the said Persons shall be transported or brought to any such Colonies or Plantations, the Naval Officer, or other Chief Officer of the Customs, at the Port

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Port whither they shall be brought, shall have and receive from the Master or Commander of the Ship in which they shall be brought, a true Lift, signed by such Officer or Commander, of the Names and Additions of the Persons so transported ; which Lift shall be hung, or set up in the publick Custom-house of such Port, there to be seen, read, and copied by all Persons, without any Fee or Reward ; and in case the same shall be defaced, taken away, or lost, a new Lift shall, from time to time, be immediately set and kept up by such Naval or other Principal Officer ; and if such Master or Commander shall, after this Act shall be published in any such Colony or Plantation, refuse or neglect to give such Lift, or if the said Naval or other Officer shall refuse or neglect to put or keep up the same as above directed, or if any Person shall voluntarily deface or take away the same, being so put up, kept, or renewed, or any Lift put up in such Custom-house of Rebels transported, every Person so offending, shall forfeit the Sum of Fifty Pounds *Sterling* for every such Offence ; of which One Moiety shall belong to His Majesty, His Heirs, and Successors, and the other Moiety to such Person or Persons who shall sue for the same, in the Colony or Plantation where the Offence shall be committed, or in the Court of King's Bench in *England*, or of Justiciary in *Scotland*, in case the Offender shall be found in *England* or *Scotland* respectively.

Lift to be hung up in the Custom house, and renewed from time to time.

Persons offending in any of the Premises,

to forfeit 50. £. Distribution of the Forfeitures.

Provided

8. *Anno Regni viceſimo Georgii II. Regis.*

Indictments to
be laid within
Two Years
after the Of-
fence com-
mitted.

Provided always, and it is hereby declared
That no Person or Persons Whatsoever, shall
be convicted of any Offence or Crime made
Felony by this Act, unless such Person or
Persons shall be indicted for such Offence or
Crime, within Two Years next after the
committing thereof.

F I N I S.

